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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,463	12/14/2005	Craig Ian Walker	3387.WWAR.PT	3062
26986 7590 05/29/2007 MORRISS OBRYANT COMPAGNI, P.C. 734 EAST 200 SOUTH SALT LAKE CITY, UT 84102			EXAMINER WHITE, DWAYNE J	
			ART UNIT 3745	PAPER NUMBER
			MAIL DATE 05/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/560,463	Applicant(s) WALKER ET AL.	
	Examiner Dwayne J. White	Art Unit 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7 and 12-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6,7,17 and 19-25 is/are rejected.
- 7) ☒ Claim(s) 14-16,18 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/17/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Amendment***

The amendment filed 01 March 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The Substitute Specification introduces Figures 10 in an effort to provide antecedent basis for newly submitted Drawings and the amended claim language and new claims submitted in the amendment. Applicant contends that the new Drawings and new language have support from page 3, line 26, through page 4 line 1 of the originally filed Specification. The Examiner respectfully disagrees. The cited passage, "In one preferred form, the impeller includes two shrouds, (a front shroud and a back shroud) with the pumping vanes therebetween and auxiliary vanes on one or both of the shrouds. In one embodiment the front shroud extends beyond the diameter of the auxiliary and main pumping vanes. In another embodiment the back shroud extends beyond the diameter of the auxiliary and main pumping vanes. In yet another arrangement both the front and back shrouds extend beyond the diameter of the auxiliary and pumping vanes," does not provided enough detail to support Applicant's contention that Applicant was in possession of the claim invention of Figure 10 at the filing of this application. Therefore, the Examiner is taking the position that the amendment to the drawings and the specification in regards to Figure 10 is considered new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 6, 7, 21-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The dimension Da of the one of the shrouds being greater than the dimension Da of the other shroud has not been clearly described in the specification and is thus considered new matter. Also the angle of the auxiliary vanes was not disclosed in the original disclosure.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17, 19, 20, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee (1,881,723). Lee discloses an impeller suitable for use in a centrifugal pump, for handling liquid mixtures containing particulate solids including back and front shrouds 7 and 8 having opposed faces, an outer peripheral edge portion and a rotation axis, a plurality of pumping vanes

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6 between the shrouds and extending away from the rotation axis each pumping vane having an outer peripheral edge portion, and a plurality of auxiliary vanes 9 and 10 on the other face of the shrouds, the auxiliary vanes of each having an outer edge portion wherein the dimension Da from the rotation axis to the outer peripheral edge portion of the shroud is greater than the dimension from the rotation axis to outer edge portion of the auxiliary vanes Db and is greater than the dimension Dc from the rotation axis to the outer peripheral edge portion of the pumping vanes. The dimension Da of the front and back shrouds is greater than the dimensions Db and Dc and the dimensions Db and Dc are substantially the same. In regards to the angle Z, while Lee does not explicitly state that there is an angle Z, it is clear from Figure 2 that the outer edge of the auxiliary vanes is at an angle. The Examiner also notes that since the dimension Db and Dc are substantially the same they are also considered to be within 5% of each other's dimensions.

CONCLUSION

Allowable Subject Matter

Claims 14-16, 18 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner points out that, while no rejection in view of prior art has been made in regards to the claims containing the new matter, the Examiner reserves the right to make the determination of allowable at such a time as the new matter issues have been resolved.

Contact Information

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

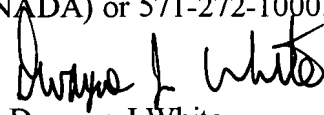
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwayne J. White whose telephone number is (571) 272-4825.

The examiner can normally be reached on 7:00 am to 3:30 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dwayne J White
Patent Examiner
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5/24/07